

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 12, 2021**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAMON TORRES HERNANDEZ  
and FAMILIAS UNIDAS POR LA  
JUSTICIA, AFL-CIO, a labor  
organization,

Plaintiffs,

v.

MARTIN J. WALSH, in his official  
capacity as United States Secretary of  
Labor, and UNITED STATES  
DEPARTMENT OF LABOR,

Defendants.

No. 1:20-cv-03241-SMJ

**ORDER JOINING WASHINGTON  
EMPLOYMENT SECURITY  
DIVISION**

Before the Court is Defendants' Motion to Dismiss for Failure to Join a Necessary Party, ECF No. 62. Defendants ask this Court to join the State of Washington Employment Security Division (ESD) as a necessary party in this case or, in the alternative, dismiss the case. Plaintiffs do not oppose joining ESD. ECF No. 66. The Court agrees that ESD must be joined and thus grants the motion to provide such relief.

Federal Rule of Civil Procedure 19 requires a party to be joined if "in that person's absence, the court cannot accord complete relief among existing parties"

1 or if “disposing of the action in the person’s absence” would “leave an existing  
2 party subject to a substantial risk of incurring double, multiple, or otherwise  
3 inconsistent obligations” and if joinder will not deprive the court of subject-matter  
4 jurisdiction. Fed. R. Civ. P. 19(a)(1).

5 Here, ESD conducts the survey at issue but is currently not bound by the  
6 preliminary injunction in this case. *See* ECF No. 57. If the Court does not join ESD  
7 as a party in this matter, Plaintiffs may not obtain complete relief. *See Alto v. Black*,  
8 738 F.3d 1111, 1126 (9th Cir. 2013) (“Complete relief is concerned with  
9 consummate rather than partial or hollow relief as to those already parties, and with  
10 precluding multiple lawsuits on the same cause of action” (internal quotation  
11 omitted)). And failure to join ESD may create inconsistent obligations for  
12 Defendants if ESD conducts the survey without making the changes required by the  
13 preliminary injunction. Because joinder of ESD in this case is feasible, that is, it  
14 will not deprive the Court of its federal question jurisdiction, the Court must grant  
15 Defendants’ motion to join this necessary party. *See* Fed. R. Civ. P. 19(a)(2).

16 Accordingly, **IT IS HEREBY ORDERED:**

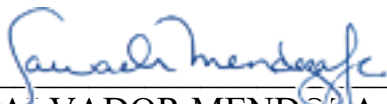
17 **1. Defendants’ Motion to Dismiss for Failure to Join a Necessary Party,**  
18 **ECF No. 62, is GRANTED.**

1           **2.**     The State of Washington Employment Security Division is **JOINED**  
2           as a Defendant in this matter under Federal Rule of Civil Procedure  
3           19(a).

4           **3.**     All Defendants shall **FILE** a responsive pleading by no later than **sixty**  
5           **(60) days from the date of this Order.**

6           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
7     provide copies to all counsel.

8           **DATED** this 12th day of April 2021.

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10                                \_\_\_\_\_  
                              SALVADOR MENDOZA, JR.  
                              United States District Judge